

REMARKS

Claims 1-78 are pending in this Application. Applicant has amended claims 1, 3, 8, 12-16, 23, 27-31, 33, 38, 42-45, 49, 53-56, 60, 64, 65, 67, 71, and 77 to define the claimed invention more particularly. Applicant has cancelled claims 2, 4-7, 11, 17, 19-22, 26, 32, 34-37, 41, 46-48, 52, 68-70, and 65-76 without prejudice or disclaimer. No new matter is added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant gratefully acknowledges the Examiner's indication that claims 11-15, 26-30, 41-45, 52-56, 63-67, 74, and 76-78 would be allowable if rewritten in independent form. While Applicant completely disagrees with the Examiner prior art rejection, to speed prosecution, Applicant has amended the independent claims 1, 3, 16, 18, 31, and 33 to incorporate the content of allowable claims.

Claims 2, 4, 17, 19, 32, and 34 stand rejected under 35 U.S.C. § 112, first paragraph. Applicant has amended the claims to address the Examiner's concerns.

Claims 1-6, 8, 16-21, 23, 31-36, 38, 46-47, 49, 57-58, 60, 68-69, and 71 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi, et al. (U.S. Patent No. 6,332,025 B2, and hereinafter "Takahashi"), and further in view of Cedola, et al. (U.S. Patent No. 6,928,458 B2, and hereinafter "Cedola"). Claims 7, 22, 37, 48, 59, and 70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Takahashi, and Cedola, and further in view of Greenberg (U.S. Patent No. 7,171,651, and hereinafter "Greenberg"). Claims 9, 24, 39, 50, 61, and 72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Takahashi, and Cedola, and further in view of Merrill (U.S. Patent Application Publication No. US 2004/0002943 A1, and hereinafter "Merrill"). Claims 10, 25, 40, 51, 62, and 73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Takahashi, Cedola, and Merrill, and further in view of Elderidge, et al. (U.S. Patent No. 7,272,815 B1, and hereinafter "Elderidge"). Claim 75 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Takahashi, Cedola, and Greenberg, as applied to claim 70 above, and further in view of

Christopher, et al. (U.S. Patent No. 4,437,156, and hereinafter “Christopher”).

Applicant respectfully addresses these rejections in the following discussion.

II. 35 U.S.C. 112, FIRST PARAGRAPH REJECTION

In rejecting claims 2, 4, 17, 19, 32, and 34, the Examiner alleges that claims fail to comply with the written description requirement.

Applicant has cancelled these claims and amended the independent claims in a manner believed fully responsive to all points raised by the Examiner, consistent with the Examiner’s helpful suggestions.

III. FORMAL MATTERS AND CONCLUSION

Applicant has amended the claims in a manner believed responsive to the Examiner’s objections to the drawings.

Moreover, with respect to the Examiner’s allegations regarding the examples of limitations not included in the drawings (see Office Action at page 5, line 18 – page 7, line 2), the Examiner is referred to the drawings of Figs. 1, 2, 3, 4, 9, 10, 11, and 12 of the present Application showing, *“An information processing server (2) according to the present invention is connected to a mobile terminal (1-j; 1, 2, 3, ..., n) over a network (3). The information processing server (2) according to the present invention includes a server storage device (20, 26) having stored therein a plurality of objects (4-1 to 4-m), a server communication unit (22, 29) and a server management unit (25). Each of the objects (4-1 to 4-m) includes the unique information (5-1 to 5-m) and the URL (6-1 to 6-m) for accessing to the information processing server for updating; The server communication unit (22, 29) receives an install request (30) from the mobile terminal (1-j). The install request (30) includes an install list (31) having stated therein the unique information (5-11) and the URL (6-11) of a needed object (4-11), among the plural objects (4-1 to 4-m), that is necessary for installation. The server management unit (25) refers to the install list (31) for selecting an object (4-11 to 4-13) for transmission from the plural objects (4-1 to 4-m) stored in the server storage device (20, 26)”* (e.g., see Application at paragraph [0037]), and *“In the information processing server (2) according to the present invention, the group of objects (4-1 to 4-m) among the plural objects (4-1 to 4-m) are installed in the terminal storage device (10, 16) of the mobile terminal (1-j). The install request (30) further includes an installed list (32)*

having stated the unique information (5-1 to 5-10) and the URL (6-1 to 6-10) of the object group (4-1 to 4-10). The server management unit (25) refers to the installed list (32) to form a list of unneeded objects (34) having stated the unique information (5-1 to 5-3) and the URL (6-1 to 6-3) of unneeded objects (4-1 to 4-3), that is, objects which become unnecessary when the selected objects (4-11 to 4-13) of the group of objects (4-1 to 4-10) are installed in the terminal storage device (10, 16). The server communication unit (22, 29) transmits the list (34) of unneeded objects along with the selected object (4-11 to 4-13) to the mobile terminal (1-j)" (e.g., see Application at paragraph [0038]).

Therefore, the drawings of the present application clearly show all the limitations in the claimed invention including the limitations outlined on pages 6-7 of the Office Action. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

In view of the foregoing, Applicant submits that claims 1, 3, 8-10, 12-16, 18, 23-25, 27-31, 33, 38-40, 42-45, 49-51, 53-56, 60-62, 64-67, 71-74, 77, and 78, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Serial No. 10/757,605
Docket No. NEG-329US

29

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 01/14/09

Farhad Shir

Farhad Shir, Ph.D.
Registration No. 59,403

Sean M. McGinn, Esq.
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254